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REMARKS

Claims 1-17 are currently pending in the subject application and are presently under consideration. Claim 2 has been amended as shown on p. 2 of the Reply. Favorable reconsideration of the subject patent application is respectfully requested in view of the comments and amendments presented herein.

I. Rejection of Claims 1, 2, 5, 6, 7, and 16 Under 35 U.S.C. §102(e)

Claims 1, 2, 5, 6, 7, and 16 stand rejected under 35 U.S.C. §102(e) as being anticipated by Manchester (US 2004/0201595). It is respectfully requested that this rejection be withdrawn for at least the following reasons. Manchester does not teach or suggest each and every element of the subject claims.

For a prior art reference to anticipate, 35 U.S.C. §102 requires that "*each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *In re Robertson*, 169 F.3d 743, 745, 49 USPQ2d 1949, 1950 (Fed. Cir. 1999) (*quoting Verdegaal Bros., Inc. v. Union Oil Co.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)) (emphasis added).

The subject invention relates to a system and methodology for data capture and image display to users. As was shown in the previous Reply, independent claim 1 (and similarly recited in independent claim 16) recites an *orientation component that automatically orients display objects rendered by the display based at least in part upon a user perspective*. It should be appreciated that the present invention enables a change in orientation that is not limited to inverting and/or rotating the display 180 degrees, but provides for inverting and/or rotating to *any* desired angle and/or orientation. Manchester does not teach or suggest such claim aspects.

Manchester relates to a self-orienting display that senses characteristics of an object to be displayed and automatically rotates the display in accordance with those characteristics. The Examiner continues to reject the invention based on the Abstract and paragraphs [0019] and [0025] of Manchester. In the "Response to Arguments," The Examiner states that the Manchester device "would orient the image based on how the

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user is holding the display device, thus taking into account the user's perspective." However, these cited passages show that Manchester simply varies a display view between landscape and portrait orientation. The Abstract simply discloses "a self-orienting display" that "senses the characteristics of an object and automatically rotates and reformats a display image in accordance with those characteristics" so that "the display image is automatically oriented to *either a landscape orientation or a portrait orientation.*" Paragraph [0019] also discloses these features, adding that the display senses the orientation of an object and automatically orients a display image "*in response to the orientation of the monitor.*" Paragraph [0025] specifies that, as the display device is rotated, the display image "is automatically oriented, such that the appearance of the display image appears to remain *approximately* stable regardless of the orientation of the display device." (Emphasis added.) Contrary to the Examiner's assertion, nothing is disclosed or suggested in Manchester to indicate an *orientation component that automatically orients display objects rendered by the display based at least in part upon a user perspective*, in accordance with the claimed invention. And further, there is nothing in Manchester to disclose or suggest inverting and/or rotating to *any* desired angle and/or orientation, in accordance with the present invention. Thus, Manchester does not disclose or suggest each and every element of the invention as recited in the subject claims. In view of at least the foregoing, it is readily apparent that Manchester does not disclose or suggest the subject invention as recited in independent claim 1 and 16 (and claims which depend there from). Accordingly, this rejection should be withdrawn.

II. Rejection of Claims 3, 4, 8-12, and 15 Under 35 U.S.C. §103(a)

Claims 3, 4, 8-12, and 15 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Manchester in view of Browning (US 6,707,581). Applicant's representative respectfully submits that this rejection should be withdrawn for at least the following reasons. Browning fails to make up for the aforementioned deficiencies of Manchester with respect to independent claims 1 and 15.

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To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. *Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.* See MPEP §706.02(j). (Emphasis added). The teaching or suggestion to make the claimed combination and the reasonable expectation of success *must both be found in the prior art* and not based on applicant's disclosure. See *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). (Emphasis added).

More particularly, Browning fails to make up for the aforementioned deficiencies of Manchester. Specifically, Browning does not teach or suggest *an orientation component that automatically orients display objects rendered by the display based at least in part upon a user perspective* as recited in independent claim 1 (and similarly in independent claim 15). Rather, Browning relates to a device that scans a line of information in the form of Internet URL's, Internet protocol addresses, Internet email addresses, FTP sites, bar codes, etc., and utilizes onboard information retrieval software that establishes a connection to the Internet to retrieve associated information. (See Abstract). Browning, however, does not relate to altering the orientation of displayed objects, much less orienting display objects rendered by the display based at least in part upon a user perspective. In the "Response to Arguments" in the Final Action, the Examiner argues that the PDA with scanner of Browning would meet the requirement of the claimed "means to sense an object" in order to display the object associated with the barcode. This clearly teaches away from the present invention and has nothing whatsoever to do with the invention as presently claimed. As such, Manchester and Browning, either alone or in combination, do not disclose each and every aspect as claimed. Accordingly, the rejection should be withdrawn.

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III. Rejection of Claims 13 and 14 Under 35 U.S.C. §103(a)

Claims 13 and 14 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Browning in view of Manchester. It is respectfully submitted that the rejection should be withdrawn for at least the following reasons. Browning and Manchester, either alone or in combination, do not teach or suggest each and every element of the subject claims.

As discussed *supra*, the subject invention relates to a system and methodology for data capture and display to users. In one aspect of the invention as claimed, an artificial intelligence component is utilized to provide optimum viewing position of images and/or text within display component. To that end, independent claim 13 recites *automatically orientating rendered graphical objects based at least in part upon a physical orientation of a user with respect to the device and changing object display parameters to provide at least one of an optimized object display and an optimized viewing position*. Browning and Manchester fail to teach or suggest such claim elements. In the "Response to Arguments," the Examiner again argues that Browning combined with the orienting arrangement of Manchester would result in a self-orienting display that would take into account the user's perspective. But as already shown above, Manchester *only* discloses orienting the display between landscape and portrait views *based on the orientation of the monitor*. Further, there is nothing in Manchester to disclose or suggest inverting and/or rotating a display image to *any* desired angle and/or orientation, in accordance with the present invention. Thus, even if Browning and Manchester could be combined as proposed by the Examiner, the combination would still fail to teach or suggest *automatically orientating rendered graphical objects based at least in part upon a physical orientation of a user with respect to the device*. Further, the cited art fails to teach or suggest *changing object display parameters to provide at least one of an optimized object display and an optimized viewing position*, as recited in independent claim 13. It has been shown above that Manchester relates to changing the orientation of a displayed object *based on properties of the object*. Manchester, however, is silent with regard to changing object display parameters to provide at least one of an optimized object display and an

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optimized viewing position. Browning fails to teach or suggest such claim features and thus fails to cure the deficiencies of Manchester.

In view of at least the foregoing, it is readily apparent that Browning and Manchester, either alone or in combination, do not teach or suggest the subject invention as recited in independent claim 13 (and claim 14 which depends therefrom). Accordingly, this rejection should be withdrawn.

IV. Rejection of Claim 17 Under 35 U.S.C. §103(a)

Claim 17 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Ogawa (US 6,937,281) in view of Manchester. It is respectfully requested that this rejection be withdrawn for at least the following reasons. Ogawa and Manchester, either individually or in combination, do not teach or suggest all the limitations recited in the subject claims.

Ogawa shows a digital camera which the Examiner reads onto the present data capture component. The camera of Ogawa includes a timer that the Examiner indicates can be used for "hands-free capture of data," as recited in the claim. So notwithstanding, it is clear that a simple self-timer as shown in Ogawa cannot be interpreted as a *holder that holds the data capture component*. Further, as noted in the previous Reply, the setting of a self timer on a camera allows for a *single* data collection event, that is, the taking of a picture. However, setting a self timer fails to provide both *continuous* and *hands-free* capture of data, as recited in independent claim 17. And as with the previous cited reference, Ogawa is silent as to an *artificial intelligence component that determines an optimal screen orientation for the display based at least upon a user's position*. As such, Ogawa does not disclose each and every element of the subject claims.

Manchester fails to make up for the aforementioned deficiencies of Ogawa. Manchester is silent with regard to data collection, much less *continuous and hands-free capture of data*. Additionally, from the discussion presented above, Manchester fails to teach or suggest an artificial intelligence component that determines an optimal screen orientation for the display based at least upon a user's position. As such, Manchester fails to make up for the deficiencies of Ogawa with regard to the subject invention.

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In view of at least the foregoing, it is readily apparent that Ogawa and Manchester, either alone or in combination, do not teach or suggest the subject invention as recited in independent claim 17. Accordingly, this rejection should be withdrawn.

CONCLUSION

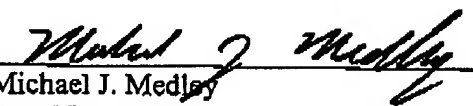
The present application is believed to be in condition for allowance in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 [SYMBP165US].

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicant's undersigned representative at the telephone number below.

Respectfully submitted,

AMIN & TUROCY, LLP


Michael J. Medley
Reg. No. 57,058

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731